

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

December 27, 2000

DIVISION ONE

B134895 CD Investment Company et al.
 v.
 California Insurance Guarantee Association

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

B125175 Baker & McKenzie (Not for Publication)
 v.
 Contemporary Services Corporation et al.
 Bosserman

On Baker & McKenzie's appeal from the order denying its motion for a new trial, the order is affirmed. On CSC's appeal from the judgment of nonsuit in favor of Bosserman, the judgment is affirmed. On Bosserman's appeal from the order denying his request for fees and granting CSC's motion to tax all of Bosserman's costs, the order is affirmed. On CSC's appeal from the judgment of nonsuit in favor of Baker & McKenzie, the judgment is reversed and the cause is awarded to the trial court with directions to set a date for a new trial. CSC is awarded its costs of appeal, payable by Baker & McKenzie. Bosserman is to bear his own costs of appeal.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.
 Mallano, J.

DIVISION ONE (Continued)

B134311 Caesar et al. (Not for Publication)
 v.
 Maccabee

The judgment is reversed. Appellant is to recover costs on appeal.

Spencer, P.J.

We concur: Ortega, J.
 Mallano, J.

B135522 Bohrer (Not for Publication)
 v.
 Mee

The judgment is affirmed.

Spencer, P.J.

We concur: Vogel (Miriam A.), J.
 Mallano, J.

DIVISION TWO

B116654 People (Not for Publication)
 v.
 Pelch et al.

The judgments of conviction are affirmed, except that Chad's conviction on Count 20 is reversed, with direction to dismiss that count as to him. The case is remanded with directions to modify the sentences by imposing stays consistent with this decision.

Cooper, J.

We concur: Boren, P.J.
 Todd, J.

DIVISION FOUR

B139238 Paul R. Hammons (Not for Publication)
 v.
 Debra A. Hammons

That portion of the challenged judgment denying Paul's request for reimbursement from Debra for one-half of the mortgage payments, insurance, and taxes incurred from August 1993 until the house was sold is reversed, and the matter is remanded to the trial court with directions to enter judgment in favor of Paul in the amount of \$22, 688.68. Paul is awarded his costs of appeal.

Vogel (C.S.), P.J.

We concur: Hastings, J.
 Curry, J.

DIVISION SIX

B139920 People (Not for Publication)
 v.
 Huang

The conviction on count 7 is reversed. In all other respects the judgment is affirmed.

Gilbert, P.J.

We concur: Coffee, J.
 Perren, J.

B118886 People (Not for Publication)
 v.
 Linnihan

The case is remanded for resentencing consistent with the views expressed in this opinion. In all other respects, the judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.
 Coffee, J.

DIVISION SIX (Continued)

B136968 Berardinelli (Not for Publication)
 v.
 Bradshaw

The judgment is affirmed. Costs to respondent.

Gilbert, P.J.

We concur: Yegan, J.
 Coffee, J.

B133752 People (Not for Publication)
 v.
 McAvinue

We could calculate the sentence, but we think that prerogative best lies with the trial court. We therefore vacate the sentence and remand to the trial court. In resentencing, the court may exercise its discretion under *People v. Superior Court (Romero)* (1996) 13 Cal. 4th 497 and make appropriate findings under Penal Code, section 654 so as to achieve a sentence which it deems appropriate. In all other respects the judgment is affirmed.

Gilbert, P.J.

We concur: Coffee, J.
 Perren, J.

B141437 People (Not for Publication)
 v.
 Gagliano

The judgment is affirmed.

Perren, J.

We concur: Gilbert, P.J.
 Coffee, J.

December 27, 2000-Continued

DIVISION SIX (Continued)

B142662 People (Not for Publication)
v.
Gonzalez

The judgment is affirmed.

Perren, J.

We concur: Yegan, Acting P.J.
Coffee, J.

DIVISION SEVEN

B139876 People (Not for Publication)
v.
Amador

The judgment is affirmed.

Johnson, Acting P.J.

We concur: Woods, J.
Neal, J.

B140738 Flores (Not for Publication)
v.
CBS, Inc.

The order denying defendant's motion to strike under Civil Code of Procedure section 425.16 is reversed. The cause is remanded to the trial court with directions to enter a new and different order granting the motion and awarding defendant attorney fees and costs under Code of Civil Procedure section 425-16 subdivision (c). Defendant is awarded costs on appeal.

Johnson, Acting P.J.

We concur: Woods, J.
Neal, J.

December 27, 2000-Continued

DIVISION SEVEN (Continued)

B139644 People (Not for Publication)
v.
Rodriguez

The judgment is affirmed.

Lillie, P.J.

We concur: Woods, J.
Neal, J.

B136431 Snyder (Not for Publication)
v.
Beck

The judgment is modified to award respondents \$85,000.00 on the first cause of action. In all other respects, the judgment is affirmed. Respondents to recover their costs on appeal.

Lillie, P.J.

We concur: Woods, J.
Neal, J.